



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,855	10/16/2003	Robert P. Cozier	100111145-1	1731

22879 7590 07/17/2007

HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER

HENN, TIMOTHY J

ART UNIT	PAPER NUMBER
----------	--------------

2622

MAIL DATE	DELIVERY MODE
-----------	---------------

07/17/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/686,855	Applicant(s) COZIER, ROBERT P.	
	Examiner Timothy J. Henn	Art Unit 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.
2. Applicant argues that the Okhubo reference does not automatically create a subdirectory based on at least one predetermined agenda and instead stores each of the data sets S0 are stored in folders of the lowest hierarchy within a folder set such as "Year 2001/Summer 2001/Nagano/7/30" (e.g. Figure 5). The examiner notes that with regard to the Okhubo folder structure, "Nagano", "Home", "Beach" and "Disneyland" can correspond to "at least one predetermined agenda" within the "Summer 2001" event. For example, Okhubo discloses setting events which correspond to holidays, vacations, weekends, etc. (Paragraph 0063) and further discloses that image data can be classified based on this event information (Paragraph 0069) and can be further classified into subdirectories inside an event directory based on calendar information relating to the event (i.e. a location; Paragraph 0071). While Okhubo does show the use of date subdirectories for the "Nagano" folder, the examiner notes that subdirectories are not used for "Home", "Beach" and "Disneyland". It is further noted that the claim as written does not exclude the use of additional subdirectories inside the created subdirectory for storing image data. Therefore, since the prior art discloses creation of subdirectories based on "at least one predetermined agenda" as claimed, Applicants arguments with respect to Ohkubo are not considered persuasive.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carmi et al. (US 2003/0174242) in view of Nakamura et al. (US 7,009,643) in view of Ohkubo (US 2003/0184653).

[claim 1]

Regarding claim 1, Carmi discloses a system including a computer device (Figure 1, Item 20) and a peripheral device connected to the computer device (Figure 1, Item 10). Carmi discloses that the computer device controls the peripheral device (e.g. Paragraphs 0078-0079) and further discloses a system for capturing and organizing images in which the computer device is used to create a folder, an image is captured and the image is stored in the appropriate folder (Paragraphs 0151-0164). However, while Carmi discloses creating folders in advance, the folders of Carmi are not related to a predetermined time period and the images are manually placed into the folder.

Nakamura discloses a system which automatically determines a proper storage location for an image based upon time data and a calendar which includes times at which various events are to take place (Figure 3; c. 4, l. 3 - c. 5, l. 4). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to create folders based upon events which occur at predetermined times and to

Art Unit: 2622

automatically place images taken at those events in corresponding folders as taught by Nakamura. The examiner notes that since the system of Carmi creates folders and stores images on the peripheral device, it would be obvious to create folders corresponding to the predetermined events and to automatically store images in those folders on the peripheral device as claimed. However, Carmi in view of Nakamura does not disclose the automatic creation of at least one subdirectory for the folder based on at least one predetermined agenda relating to the event.

Okhubo discloses a similar system in which folder which creates image folders based on a calendar of events (Paragraph 0063; Figure 5, "Summer Vacation") and further discloses that subdirectories based on "at least one predetermined agenda" (i.e. a scheduled location) can be created based on calendar information to further classify the images based on a users whereabouts (Paragraph 0071). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to create subdirectories based on a predetermined agenda to further classify the images created by the system of Carmi in view of Nakamura.

[claim 2]

Regarding claim 2, Carmi in view of Nakamura does not disclose a e-mail based event creation system as claimed. Official Notice is taken that it is well known in the art to schedule events using calendaring systems and to automatically send e-mails to event participants to inform them of when the event is taking place. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include an e-mail based event creation system in the system of Carmi in view of

Nakamura. Since Nakamura discloses folder creation based on scheduled events, it would be obvious to create folders for the events corresponding to received e-mail invitations as claimed.

[claim 3]

Regarding claim 3, Carmi discloses a computer device (Figure 1, Item 20) and peripheral device (Figure 1, Item 10) which are inter-connectable via a cable. Carmi further discloses that the computer device is, for example, a standard PDA device (Paragraph 0132). The examiner notes that in such a system the computer device would inherently be capable of connecting to a plurality of peripheral devices as claimed, and following the teachings of Nakamura would create appropriate event folders for any images created during the event.

[claim 4]

Regarding claim 4, Nakamura discloses creating a folder with an intuitive name relating to the event (c. 4, ll. 64-66).

[claim 5]

Regarding claim 5, Nakamura describes creating a folder which has metadata (i.e. the folder's name) relating to the event (c. 4, ll. 64-66).

[claim 6]

Regarding claim 6, Carmi in view of Nakamura does not disclose metadata which is a descriptor of the event timing. Ohkubo discloses a similar calendaring and image management system to Nakamura and further discloses creation of folder names which include date information (Figure 3). Therefore, it would have been obvious to one of

Art Unit: 2622

ordinary skill in the art at the time the invention was made to include date information in the folder name as taught by Ohkubo to allow easy recognition of when an event occurred by looking at the folder name.

[claim 7]

Regarding claim 7, Carmi in view of Nakamura discloses a system including peripheral device which is a camera and a control device for the camera. However, Carmi in of Nakamura does not disclose a peripheral device which is a personal computer, hand held computer, personal digital assistant or cellular telephone. Official Notice is taken that personal computers, hand held computers, personal digital assistants and cellular telephones which include camera devices which include cameras are notoriously well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the control device of Carmi in view of Nakamura to interface with personal computers, hand held computers, personal digital assistants and cellular telephones which include cameras to allow for easy control of multiple camera devices with a single control device.

[claim 8]

Regarding claim 8, Carmi in view of Nakamura in view of Ohkubo discloses a system in which a control device (i.e. a PDA) creates appropriate folders based on calendar information (see for example, claim 1). The examiner notes that as broadly as claimed, "automated downloads to the peripheral device for automatically maintaining naming conventions" can be read as a command to create an appropriate folder for the events (i.e. a command issued by (or "downloaded to") the control device 20 to the

Art Unit: 2622

camera 10 for creating the folder).

[claim 9]

Claim 9 is a method claim corresponding to apparatus claim 1. Therefore, claim 9 is analyzed and rejected as previously discussed with respect to claim 1. Claim 9 includes a further limitation of accepting an event on the computer device. Nakamura discloses a calendaring system which includes a number of different events (Figure 5). Official Notice is taken that it is well known in the art to allow a user to accept events into calendaring systems such as the one disclosed by Nakamura to schedule events created by others. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to accept an event as claimed on the computer device of Carmi in view of Nakamura in view of Okhubo to allow events scheduled by others to be entered into the users calendar.

[claims 10 and 11]

Regarding claims 10 and 11, see claims 2 and 4 respectively.

[claims 12-15]

Regarding claims 12-15, see claims 5-8.

[claim 16]

Claim 16 is a method claim corresponding to apparatus claim 1, therefore claim 16 is analyzed and rejected as previously discussed with respect to claim 1. The examiner further notes that since the computer/control device of Carmi is used to control the camera 10, it would be obvious to connect the computer device at the time of

the event and to create an event folder as described in Nakamura upon connection.

[claims 17-21]

Regarding claims 17, see claims 4-8.

[claim 22]

Regarding claim 22, Carmi discloses a system including a computer device (Figure 1, Item 20) and a peripheral device connected to the computer device (Figure 1, Item 10). Carmi discloses that the computer device controls the peripheral device (e.g. Paragraphs 0078-0079) and further discloses a system for capturing and organizing images in which the computer device is used to create a folder, an image is captured and the image is stored in the appropriate folder (Paragraphs 0151-0164). However, while Carmi discloses creating folders in advance, the folders of Carmi are not related to a predetermined time period and the images are manually placed into the folder.

Nakamura discloses a system which automatically determines a proper storage location for an image based upon time data and a calendar which includes times at which various events are to take place (Figure 3; c. 4, l. 3 - c. 5, l. 4). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to create folders based upon events which occur at predetermined times and to automatically place images taken at those events in corresponding folders as taught by Nakamura. The examiner notes that since the system of Carmi creates folders and stores images on the peripheral device, it would be obvious to create folders corresponding to the predetermined events and to automatically store images in those folders on the peripheral device as claimed. However, Carmi in view of Nakamura does

not disclose the automatic creation of at least one subdirectory for the folder based on at least one predetermined agenda relating to the event.

Okhubo discloses a similar system in which folder which creates image folders based on a calendar of events (Paragraph 0063; Figure 5, "Summer Vacation") and further discloses that subdirectories based on "at least one predetermined agenda" (i.e. a scheduled location) can be created based on calendar information to further classify the images based on a users whereabouts (Paragraph 0071). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to create subdirectories based on a predetermined agenda to further classify the images created by the system of Carmi in view of Nakamura.

The examiner notes that Carmi discloses a system in which a camera 10 and a control device 20 are separate modular devices (Figure 1). Carmi further disclose that the control devices are interchangeable (Paragraph 0166, multiple control devices are usable with the same camera; Paragraph 0167-0168, the control device can be replaced separately from the camera). Carmi further discloses that standard PDA or cell phone devices can be used as the control device (Paragraph 0167). Since the control device of Carmi is not camera dependent (i.e. is a standard device), it would be able to function as a control device for more than one camera. Therefore, if used to control a second camera the control device of Carmi would necessarily create the appropriate folders based on calendar information (i.e. creating a third party folder and third party subfolder) as claimed. The examiner further notes that the specification does not disclose separate hardware devices for a "folder/subdirectory creation means" and a

"third party folder creation means". Therefore, the folder/subdirectory creation means and third party folder creation means will be read as comprising the same device.

[claims 23-28]

Regarding claims 23-38, see claims 2-7.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- | | | |
|-----|-----------------|----------------|
| i. | McConica et al. | US 6,741,271 |
| ii. | McConica et al. | JP 2003-241602 |

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 2622

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy J. Henn whose telephone number is (571) 272-7310. The examiner can normally be reached on M-F 11-7.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on (571) 272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



TJH
7/6/2007

LIN YE
SPE. ART UNIT 2622